

CERTIFICATE OF MAIL

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Jinny Nguyen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: November 1, 2004

John F. PAVLEY and Eric C. ANDERSON

Confirmation No.: 5677

Serial No.: 09/973,128

Group Art Unit: 2174

Filed: October 9, 2001

Examiner: Sax, Steven Paul

For: METHOD AND APPARATUS FOR EDITING HETEROGENEOUS MEDIA  
OBJECTS IN A DIGITAL IMAGING DEVICE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO A OBVIATE DOUBLE  
PATENTING REJECTION 37 C.F.R. 1.321(c)**

Sir:

The undersigned Attorney of Record, appointed by the Assignee FlashPoint Technology Inc., of the entire right, title and interest in and to the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark under Reel/Frame 9867/0140, submits herewith a Terminal Disclaimer under 37 C.F.R. 1.321(c).

Check no. 8160 in the amount of \$110.00 is enclosed for payment of the fees required by 37 CFR 1.20(d).

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## DISCLAIMER

The owner, FlashPoint Technology, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. **6,317,141**, issued **November 13, 2001**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issued hereon.

Respectfully submitted,  
SAWYER LAW GROUP LLP



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November 1, 2004  
Date